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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,982	10/19/2001	Yoshihiro Matsuyama	1573.1009	7504
21171	7590	09/05/2008	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				TORRES, MARCOS L
ART UNIT		PAPER NUMBER		
2617				
			MAIL DATE	DELIVERY MODE
			09/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/981,982	MATSUYAMA ET AL.	
	Examiner	Art Unit	
	MARCOS L. TORRES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 6-5-08.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 3-5,9-11,16,17,20,21 and 25-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 3-5,9-11,16,17,20,21 and 25-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Arguments

1. Claim objections have been withdrawn.
2. Applicant's arguments filed 6-5-08 have been fully considered but they are not persuasive.
3. Regarding applicant's representative [hereinafter applicant] argument that Sivula fails to disclose the limitations because Sivula discloses that a message must be transmitted to the terminating mobile station to determine if the terminating mobile station is capable of receiving the special content message, rather than provide the content data to the receiving device in response to the receipt; Sivula can be properly equated to the claim of the present application because also the steps are done in response to a request [fig. 4 items 36a, 42a] if there is no receipt of the request in the first place nothing happens, thereby the steps are in response to the request. Because Sivula does disclose an extra steps does not change the fact that the steps are in response to a request.
4. As to applicant argument that Adachi fails to disclose a content data providing information processing apparatus, please see fig. 1, item 7. Regarding applicant argument that in Adachi the server will response providing a particular service based upon the user response; it is noted that also the present application the server will response providing a particular service based upon the user response of the separate device. Once the user choose the service is going to be received automatically (see col. 3, lines 5-11).

5. The rest of the argument they fall for the same reasons as shown above in paragraphs 3 and 4.
6. Please see new grounds of rejection for claims 27-28.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3-5, 9-11, 16-17, 20-22 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sivula (US 6,795,711) in view of Adachi US006829474B1.

As to claims 3 and 9, Sivula discloses an information processing apparatus for use in a system comprising a mobile communication network and a broadband communication network connected via gateway to said mobile communication network (see fig. 2, item 14, 26, 32, 30; fig. 3, item 36), said information processing apparatus comprising: a processor receiving a content transmission request including a content identification of a content for narrowband or broadband transfer, determined by a user and an address of a receiving device (see fig. 1, item 16) determined by said user which is to receive data of said content (see col. 7, lines 20-25,62-67), from a separate device (see fig.1, item 10) which is different from said receiving device and received and views a content for narrowband transfer (see col. 8, lines 28-62) over a mobile communication network, in response to the receipt of said content identification and said received address of said receiving device from said separate device, said processor transmitting, said received content identification and said received address of said receiving device to a content data providing information processing apparatus which provides said content data and which is different from said processor, wherein the content data is provided automatically (on narrowband transfer only) by said content data providing information processing apparatus, in response to the receipt, from said processor of said transmitted content identification and said transmitted address of said receiving device, to said receiving over said broadband network (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-44; fig. 3, item 36, 46, 54, 62). Sivula does not

specifically disclose that the connection between the processor and the content data providing information processing apparatus which is different from said first apparatus and is a broadband (high-speed) connection through the gateway. In an analogous art, Adachi discloses a content data information processing apparatus connected to the processor using a broadband (Internet) connection through the gateway and sending the data automatically (see fig. 1, items 1, 6, 7; col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

As to claims 4 and 10, Sivula discloses the information processing apparatus wherein said processor transmits a Web page containing said content identification to said separate device over said mobile communication network (see col. 7, item 49-53).

As to claims 5 and 11, Sivula discloses the information processing apparatus according to claim 3 wherein said processor transmits further a user identification of the user to said content data providing information processing apparatus (see col. 7, lines 23-25).

Regarding claims 16-17 and 20-22, are corresponding stored program claim of the apparatus claims 3-4 and 9-10. Therefore they are rejected for the same reason shown above.

As to claim 25, Sivula discloses a method of directing content to a receiving device, comprising: receiving on a information server via mobile communications network a request from a mobile device which receives and view a content for narrowband transfer comprising a uniform resource locator of the content for narrowband or broadband transfer and an address of a receiving device separate from the mobile device; and transmitting from the information server via a gateway to a content server on a network the request comprising the uniform resource locator of the content and the address of the receiving device separate from the mobile device, the content server transmitting to the receiving device separate from the mobile device the contents addressed by the uniform resource locator (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-62; fig. 3, item 36, 46, 54, 62). Sivula does not specifically disclose that the connection between the information server and the gateway is a broadband (high-speed) connection. In an analogous art, Adachi discloses that the connection between the information server and the gateway is a broadband (high-speed) connection and sending the data automatically (see fig. 1, items 1, 6, 7; col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

As to claim 26, Sivula discloses a method, comprising: receiving content data at a network server via a mobile communications network from a device which receives

and views a content for narrowband transfer, the content data including content identification of a content for broadband transfer, determined by a user, and an address of a receiving device, determined by said user; transmitting said content data including the content identification and the address of the receiving device to a content server not via said receiving device; and transmitting the content to the receiving device automatically by the content server (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-62; fig. 3, item 36, 46, 54, 62). Sivula does not specifically disclose that the connection between the information server and the gateway is a broadband (high-speed) connection. In an analogous art, Adachi discloses that the connection between the information server and the gateway is a broadband (high-speed) connection and sending the data automatically (see fig. 1, items 1, 6, 7; col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

As to claim 27, Sivula discloses an apparatus [14] for use in a system comprising a mobile communication network and a broadband network [30] connected via a gateway [32] to said mobile communication network (see fig. 2, items 14, 26, 32, 30; fig. 3, item 36), said apparatus comprising: a processor [36] that includes a request receiving portion that receives a content transmission request including a content identification of a content for transfer, determined by a user, and an address of a

receiving device, determined by said user, which is to receive data of said content, from a separate device which is different from said receiving device (see col. 5, line 66 – col. 6, line 52; col. 7, lines 20-25,57-67; note: that this limitation can be interpreted with any one of the requests, the original request from device 10 in step 36a or the forward request in step 42a); a content determining portion [36,46] that determines content data specified with the content identification; and a content transmission portion [54] that transmits the determined content data to the receiving device specified with the address over the broadband network (see col. 7, line 62 – col. 8, line 44). Sivula does not specifically disclose a broadband (high-speed) connection through the gateway. In an analogous art, Adachi discloses a content data information processing apparatus connected to the processor using a broadband (Internet) connection through the gateway and sending the data automatically (see fig. 1, items 1, 6, 7; col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

As to claim 28, Sivula discloses the apparatus wherein the content transmission request further includes authentication information related to the user; and wherein the apparatus further comprising: an authentication request transmission portion that transmits an authentication request to the receiving device specified with the address, with the authentication information to determine whether the authentication information

is correct (see col. 6, lines 47-55); a permission receiving portion that receives a content transmission permission indicating that the receiving device is ready to receive the content data wherein the content transmission portion, in response to receipt of the content transmission permission from the receiving device to which the authentication transmission portion has transmitted the authentication information and transmits the determined content data to the receiving device (see col. 7. lines 1-30).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

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571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617

mlt